REMARKS

Independent claims 1, 12 and 13 are amended to further clarify the invention, and support for the amendments may be found on pages 8 and 9, as well as in other locations of the specification. Claims 1-3, 5-7 10-15 and 17 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

The Office Action fails to establish that claims 1-3, 5-7, 10-15 and 17 are unpatentable under 35 USC §103(a) over "Pace" (U.S. Patent Publication No. 2003/0051236 to Pace et al.) in view of "Hauser" (U.S. Patent No. 5,889,956 to Hauser et al.). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references and fails to provide a proper motivation for modifying the teachings of Pace with teachings of Hauser.

Pace's teachings are not shown to teach the limitations of the server nodes in a server model representing a set of hardware and the service nodes in a service model representing software as set forth in the independent claims 1, 12, and 13. Pace appears to teach only hardware as explained by the "target computing devices" in paragraphs [0306] and [0307].

Furthermore, Pace does not teach use of both server models and service models. That is, Pace's classified target computing devices of paragraph [0306] is one alternative embodiment, and Pace's classified system parts of paragraph [0307] is specifically described as another alternative embodiment. Thus, in addition to Pace's models both being hardware classifications, the classifications are presented as alternatives one to another, and are not described as being used cooperatively (as set forth in the generating of the optimized mappings) as set forth in the current invention.

The additional limitations of the independent claims are also not shown to be suggested by the Pace-Hauser combination. For example, the service node to service node mapping from one layer to another layer is not suggested by the Pace-Hauser combination. As explained above, Pace apparently suggests models in a single domain, hardware. Hauser allocates bandwidth resources according to a hierarchy, with the bandwidth allocated to an entity at one level of the hierarchy

being available for allocation to entities that are children of that entity. There is no apparent corresponding teaching of the claimed generating of an optimized mapping of a service node in one layer to a service node in another layer.

The alleged motivation for combining Hauser with Pace is conclusory and improper. The alleged motivation states that "it would have been obvious ... to combine the teaching of Hauser with Pace since Pace discloses that load balancing models are well known in the art, this would motivate one of ordinary skill in the art for other methods of hierarchical resource management, eventually finding Hauser and its use of Maximum allowed values, and minimum guaranteed values (e.g. abstract)." No evidence is presented to support the alleged applicability or use of Hauser's hierarchical resource management to Pace's distribution of software and data on different network platforms. For example, no evidence is presented to indicate any deficiency or need of Pace that would be satisfied by a specific teaching of Hauser. Thus, the alleged motivation is improper.

Claim 2 depends from claim 1 and is not shown to be unpatentable for at least the reasons set forth above.

Claim 3 depends from claim 2, and the Office Action does not show that the Pace-Hauser combination suggests all the limitations of the claim, as explained in the Amendment dated August 31, 2005. The current Office Action does not respond to the traversal of this same rejection as set forth in the previous Amendment. In the interests of advancing prosecution, an explanation is requested as to the deficiencies of the rejection as were raised in the previously filed amendment and response. For ease of reference, the arguments of the previous amendment and response are replicated in this paper.

Claim 3 includes further limitations of establishing one or more service-node relationships between selected pairs of the service nodes, wherein each service-node relationship has an associated transport demand attribute specifying a quantity of communication resources required for communication between the associated pair of service nodes. The cited teachings of Hauser do not correspond to these claim limitations as alleged.

The Office Action cites Hauser's FIG. 1 and relationship between programming department 22 and engineering department 16 as corresponding to these limitations. However, attempting to correspond the claim limitations to these

teachings of Hauser shows that Hauser does not suggest all the claim limitations. Specifically, Hauser's teachings in no apparent manner suggest that the programming department 22 has a quantity of communication resources required for communication between the programming department and engineering department. Hauser's FIG. 1 shows levels of a company to which bandwidth is allocated (col. 3, l. 66 – col. 4, l. 19). Hauser's programming department and hardware department are part of the logical entity of the engineering department. Since the engineering department is a logical category, there is no apparent demand for a quantity of communication from the programming department to the engineering department.

Claims 5-7, 1-15 and 17 are not shown to be unpatentable over the Pace-Hauser combination for at least the reasons set forth above.

The rejection of claims 1-3, 5-7, 10-15 and 17 over Pace in view of Hauser should be withdrawn because the Office Action fails to show all the limitations are suggested by the combination and fails to provide a proper motivation for modifying Pace with teachings of Hauser.

Withdrawal of the rejections and reconsideration of the claims are respectfully requested in view of the remarks set forth above. No extension of time is believed to be necessary for consideration of this response. However, if an extension of time is required, please consider this a petition for a sufficient number of months for consideration of this response. If there are any additional fees in connection with this response, please charge Deposit Account No. 50-0996 (HPCO.063PA).

Respectfully submitted,

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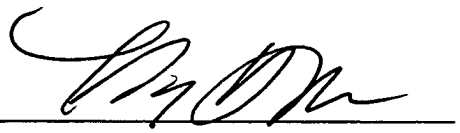
By: 

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